

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

ARIELLE WALSH, on behalf of herself)
and all others similarly situated)

VS.)

C.A. NO. 1:15-cv-00472-M-LDA

GILBERT ENTERPRISES, INC.)
d/b/a CLUB FANTASIES and)
FRANCIS DELUCA)

DEFENDANT’S PARTIAL MOTION TO DISMISS

Defendants, Gilbert Enterprises, Inc and Francis DeLuca (collectively, “Defendants”) move to dismiss, with prejudice, all claims against Defendant Francis DeLuca (“DeLuca”) as brought by Plaintiff, Arielle Walsh (“Plaintiff”), in her Complaint dated November 6, 2015. Additionally, Defendants move to dismiss Count II (unlawful tip sharing under the Fair Labor Standards Act) and Count V (unlawful fees and fines under the Rhode Island Payment of Wages Act) of the Amended Complaint, as to all Defendants, with prejudice.

The grounds for Defendants' Partial Motion to Dismiss are fully set forth in the accompanying Memorandum of Law.

/s/ Christopher M. Orton

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COUNSEL FOR DEFENDANTS

Dated: January 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Partial Motion to Dismiss was filed electronically through the Court's CM/ECF system, which will send notice of this filing to all counsel of record.

/s/ Christopher M. Orton

Christopher M. Orton, Esq. #4849
Counsel for Defendants